App. F. IX-4

PRESERVED

Previous References

1937.
(C5)

File No. 36-37

Serial Nos. 3-4

Letter References.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Nil

Part B for July 1938

SUBJECT.

Amendments to the Sub-Rule (1) a. b & c of Order XLVII of the Code of Civil Procedure

SC-4

To the Registrar. High Court

NOP 15 & 1.7 38

WD 0418—GPB—22,500—29-8-36

Sanction the amendments.

Cl/28/7/38

722-7 (1)

General and Revenue Secretariat | C/S File No. 36 of 1937. | [App. F. III—2

Serial No. 3

From
The Registrar High Court
RoC No 471/38-37 Dt 10.6.38

Recommends certain Amendments to the Existing Rule Rule (1) (a) (b) and (c) of Rule 7 of order XLVII of the Code of Civil Procedure

A Statement embodying particulars relating to the Existing and proposed Rule 7 of order XLVII of the C.P.C is placed below for perusal.

It is Stated that the proposed Amendment has been Recommended in order to make the language of the Existing rule more allevate and the same has been Considered by the Rule Committee who support it.

A draft of a G.O. Sanctioning is Submitted herewith for approval or other Orders maybe Sanctioned.

9602 25/6

CPN 26/6

Chief Secy)

hg 21.6

Noted 21.6.38.

I D Secy

ITM 25.6

hg 25.6

CHIEF SECRETARY. 21 JUN 1938 GOVT. OF MYSORE.

TYPING SECTION 22 JUN 1938 GEN. & REV. SECTT.

NOTE—Contn. Sheet.

WD 0284—GPB—30,000—13-8-37

ITM 27.6

Issue hg 28.6

2727

File No.	of 193	General and Revenue Secretariat

To
The Registrar High Court
P 15 Dt 1.7.38

~~Accepts~~ Sanctions the amendment of the rule (1) (a), (v) (cc), of Rule 7 of order XLVII of the C.P.C

B
2727

R. O. C. No. 471 / 36-37
Dis.—
Encl one

HIGH COURT OF MYSORE,
Public Office Buildings, Cubbon Park,

Bangalore, 7th June *1938.*

10.

Ch 36-37-3

FROM T. Shamiengar, Esq.,B.A.,B.L.,
~~A. Sundararaja Rao, Esq., B.A., B.L.,~~
~~S. Venkata Ranga Iyengar, Esq., B.A., LL.M.,~~
Registrar, High Court of Mysore.

To

H.V. Ramaswami, Esq.,M.A.,B.L.,
Chief Secretary to the Government of Mysore,
B a n g a l o r e.

SIR,

I am directed to state that the High Court proposes to amend sub rule (1) (a),(b) and (c) of Rule 7 of Order XLVII of the Code of Civil Procedure as set out in the appendix to this letter in order to make the language of the rule more accurate than it is at present. The proposed amendment has been considered by the Rule Committee, who support it. It was published in the Mysore Gazette dated the 28th October 1937 in accordance with Section 122 of the Code; but no objection nor suggestion has been received. I am to request that the Government may be pleased to accord sanction to the proposed amendment under Section 126 of the Code.

I have the honour to be,
Sir,
Your most obedient servant,

T. Shamiengar
Registrar.

KHR.

Appendix.

Substitute the following for sub rule (1) (a),(b) and (c) of Rule 7 of Order XLVII of the First Schedule to the Code of Civil Procedure, 1911.

(1) An order of the Court rejecting an application for review shall not be appealable; but an order granting such an application may be objected to on the ground that the order was made (a) in contravention of the provisions of Rule 4 or (b) on an application which was in contravention of the provisions of Rule 2 or which was presented after the expiration of the period of limitation prescribed therefor and without sufficient cause.

J. Saminathan

Registrar.

KHR.

G. R. S. App. F VI—G 2]

SUBJECT .....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *193*

Date of issue..... .....193 .

Signed by .....

May this be—

(i) printed ?

(ii) treated as a standing order ?

(iii) published in the Gazette, English Part ?

(iv) translated ?

(v) placed at the disposal of the press ?

(vi) published in the Gazette, Kannada Part ?

Section.

File No. 36-37

Serial No. 4

Proceedings of the Government of His Highness the Maharaja of Mysore.

Read—

Letter No Roc 471 | 36-37 dt 10. 6. 1938 from the Registrar High Court stating that the High Court proposes to amend sub-rule (1) (a), (b) and (c) of Rule 7 of Order XLVII of the Code of Civil Procedure ~~Order thereon. No.~~ as set out in the appended Statement and requesting sanction to the proposed amendment. ~~Letter~~ ~~Letter~~

Order P 15/Secr dt 1.7.38

Sanctioned

2) The amended Rule is annexed to this

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

Read:-

Letter No.R.O.C.471/36-37 dated 10th June 1938 from the Registrar, High Court stating that the High Court ~~stating that the High Court~~ proposes to amend sub rule (1) (a) (b) and (c) of Rule 7 of order XLVII of the Code of Civil Procedure as set out in the appended statement and requesting sanction to the proposed amendment

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ORDER NO. P/SCS-36-37-4 182 JNG
Dated, Bangalore, the ~~30th June~~ 1938.

S A N C T I O N E D.

2. The amended Rule is annexed to this Order.

for Chief Secretary to Government.

To

The Registrar, High Court of Mysore.

MK.

8

Appendix.

Substitute the following for sub rule (1) (a),(b) and (c) of Rule 7 of Order XLVII of the First Schedule to the Code of Civil Procedure, 1911.

(1) An order of the Court rejecting an application for review shall not be appealable; but an order granting such an application may be objected to on the ground that the order was made (a) in contravention of the provisions of Rule 4 or (b) on an application which was in contravention of the provisions of Rule 2 or which was presented after the expiration of the period of limitation prescribed therefor and without sufficient cause.

Accuda a copy
for Chief Secretary to Govt
CBR

Existing Rule

Order XLVII : Rule 7.

7 (1) An order of the Court rejecting the application shall not be appealable, but an order granting an application may be objected to on the ground that the application was —

order of Rejection not appealable. objection to order granting application

(a) in contravention of the provisions of rule 2

(b) in contravention of the provisions of rule 4 or

(c) after the expiration of the period of limitation prescribed therefor and without ~~sufficient~~ sufficient cause.

Proposed Rule

(1) An order of the Court rejecting an application for review shall not be appealable; but an order granting such an application may be objected to on the ground that the order was made ~~(a)~~

(a) in contravention of the provisions of Rule 4 or

(b) on an application which was in contravention of the provisions of Rule 2 or which was presented after the expiration of the period of limitation prescribed therefor and without sufficient cause.